

**REMARKS**

Claims 1-3 and 5-63 are currently pending in this application. By this Amendment, claims 1 and 57 have been amended; and claim 63 has been added. No new matter has been added. Claim 1 is the sole independent claim.

Applicant notes with appreciation the indication of receipt of the certified copy of the priority application in parent Application No. 09/590,096, filed June 2000.

Applicant notes with appreciation the indication of the acceptability of the drawings filed December 13, 2003.

**Examiner Interview**

The Interview Summary mailed May 12, 2008 fully reflects the content of a telephone interview held May 7, 2008 with Examiner Dwivedi. The Examiner is thanked for the courtesy accorded the undersigned during the telephonic interview.

While Applicant believes that the claims on file are novel and non-obvious in view of the references considered during prosecution of the instant application, Applicant encloses amended claim 1. This amended claim reflects the Applicant's understanding of the Examiner's view of the application as discussed during the personal interview with the Examiner June 22, 2007. Specifically, and as requested by examiner during that interview, claim 1 has been amended to define the "dynamic news room environment" as well as amended to specify the implementation of media neutrality which is one of the patentable aspects of claim 1 compared to other asset management systems at the time of the invention. Furthermore the implementation and use of the planning and coordinating tasks have, similarly, been specified in the amended claim.

Arguments in response to the latest office action and in favor of novelty and non-obviousness are presented below.

**Claim Objections**

Claim 57 is objected to for minor informality. By this amendment, claim 57 has been amended by inserting the word “is” in line 2, as suggested by the Examiner. Withdrawal of the objection to claim 57 is respectfully requested. John remember to verify the inclusion of the amendment.

**Claim Rejection – 35 U.S.C. § 112**

Claim 1 is rejected under 35. U.S.C. § 112, second paragraph, as indefinite for failing to particular point out and distinctly claim the subject matter which the Applicant regards as the invention.

Amended claim 1 attempts to address the Examiner’s reasons for the rejection. Specifically, the planning and the coordinating features now describe the tasks that these features enable newsroom staff to perform (enabling them to plan expected usage and enabling them to coordinate coverage of stories) and separately point out how these features are implemented (maintaining relations between PCOs and news products and the updating of said relations). This should address the examiner’s request to distinctly point out the subject matter of claim 1 while still describing the benefits of those features for users of the system. Withdrawal of the rejection is respectfully requested in light of the above amendments and remarks.

**Claim Rejections – 35 U.S.C. § 103**

Claims 1-2 and 5-62 are rejected under 35 U.S.C. §103(a) as unpatentable over Gill et al. (“Gill”), U.S. Patent No. 6,947,959 in view of Lebling et al. (“Lebling”), U.S. Patent No. 6,141,007. This rejection is respectfully traversed.

***a. The Gill Reference***

In the outstanding Office Action, the Examiner states that the Gill reference teaches “a database system adapted to store publishing content objects (PCOs), wherein the PCOs have associated metadata and may include PCO content data, wherein the PCO content data, if present, is configured to be media neutral.”<sup>1</sup> Applicant respectfully disagrees.

The Gill reference does indeed teach some of the same basic asset management features which are also inherent in the present invention – but which are deliberately not claimed as independent features. However, the Gill reference does not teach media neutrality, which is a patentable feature of claim 1, nor does the Gill reference even mention such neutrality as a possibility. Also, the Gill reference does not teach multiple news media products, which is another patentable feature of claim 1.

Specifically, the Examiner states that col. 7, lines 28-37 of the Gill reference teaches the feature of “the PCOs have associated metadata and may include PCO content data, wherein the PCO content data, if present, is configured to be media neutral.”<sup>2</sup> Applicant respectfully submits that col. 7, lines 28-37 does not teach the claimed feature, but instead, only describes using

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<sup>1</sup> See Office Action mailed October 17, 2007, paragraph bridging pages 3 and 4.

<sup>2</sup> See Office Action mailed October 17, 2007, page 3, paragraph 9.B.

metadata to manage the digital assets. In other words, the text cited from the Gill reference does not disclose media neutrality of the PCO content data, but discloses only that metadata in the Gill system is considered critical in managing digital assets.

Accordingly, while the Gill reference may address storage of digital assets, metadata and management thereof, there is no teaching present in the Gill reference relating to “media neutrality and multiple news media products”. In other words, the concept of a PCO holding media neutral content data, as recited by claim 1, is not taught by Gill, and neither is the concept of publishing this PCO in multiple news media products.

The Gill reference does contain references to “multi-media,” which is, however, different from “multiple media” as defined by claim 1. “Multiple media” as recited by claim 1 is defined as more than one delivery medium, such as e.g. newspapers, magazines, web sites, mobile devices, TV, etc. Example embodiments of the present invention are capable of managing a news publisher’s content and its use in any of these printed or digital media or combinations thereof.

Contrary to this, the Gill reference uses the term “multi-media” implicitly defined as “a file or presentation containing multiple object data types (e.g. audio, text, and graphics)” presented, however, in a single delivery medium only. The disclosure according to the Gill reference does not teach a solution where publication takes place, for instance, both in an electronic media, such as the internet, and in a printed media, such as a newspaper.

Since the Gill reference does not teach the features of “media neutrality” and “multiple news media products,” it cannot, and indeed does not, teach the neutrality to be by means of “XML or a similar media neutral format,” as now recited in amended claim 1.

Consequently, as Gill does not support PCOs as defined by claim 1, it also fails to disclose, as stated by the Examiner, “a plurality of input workstations configured for performing at least one function selected from the group consisting of inputting PCO content data, modifying PCO content data, inputting PCO metadata and modifying PCO metadata”. Even though the Gill reference may support some of these functions, it does not support the claimed feature of PCOs, which specifically prescribes that content must be structured so as to be media neutral, as recited in claim 1.

***b. The Lebling Reference***

In the outstanding Office Action, the Examiner states that the Lebling reference teaches “the content management system enables planning an expected usage of a PCO by defining and maintaining a relation between each PCO and at least one news media product.”<sup>3</sup> Applicant respectfully disagrees.

The framework of the Lebling reference is not at all a “content management system”. Rather, the Lebling reference discloses a “computer graphical interface.” *See Field and Summary of the Invention of the Lebling reference*. Furthermore, the entire Lebling reference is permeated by broadcast and TV specific workflows and concepts which severely limit its application for any other media and delivery channels.

To begin with, as is common in traditional broadcasting environments, the Lebling reference specifically teaches inserting machine codes for manipulating devices (teleprompters, character graphics generators, playout systems, etc.) at specific points during a story as it is read

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<sup>3</sup> See Office Action mailed October 17, 2007, page 5, third full paragraph.

by anchors (*see e.g., col. 12, lines 10-28 of the Lebling reference*). This confirms that the system described by the Lebling reference is designed for highly media dependent content used in live TV newscasts only. For this reason alone, the Lebling reference does not support the media neutrality which is a patentable feature of claim 1. Executable files containing machine codes inserted in text, as taught by the Lebling reference, is precisely what media neutrality avoids. Accordingly, the Lebling reference does not lend itself to reusing a story in other media or products – not even in another newscast.

The texts in the Lebling reference cited by the Examiner (col 4, lines 45-62, and col 9, lines 56-67 and col 10, lines 1-29) describe functionality with which a producer in a TV newsroom manipulates and edits a rundown, which in TV newsrooms is the “recipe” for executing a given newscast. While it might appear to an outside observer that a rundown is a “list of relations” to individual news stories, in actual fact, rundowns in a system like the one described by Lebling merely “contain” the raw script elements for each new story covered in one specific newscast. The script elements contain the actual anchor speak with codes inserted to control flow and references to video and graphics elements to be used when the newscast is aired. These scripts cannot be “related to” or directly used in another rundown for another newscast -- and they certainly can not be used in another news media product, such as a newspaper or a web site, without substantial clean-up, editing or even rewriting.

Rundowns in TV newsrooms do not serve the planning function taught by claim 1. Instead, planning in TV newsrooms is usually a manual process with a handwritten “assignment board” mapping stories and news teams to individual newscasts. This is why the Lebling

reference neither implicitly nor explicitly describes such planning -- it is simply not part of the functionality covered by this type of system.

If any relations were considered to have been disclosed by the Lebling reference, they certainly do not address multiple media or multiple products. No mention of how a story can be related to multiple products is disclosed in the Lebling reference, this being in line with ordinary broadcast culture where the producer for each newscast is usually encouraged to write unique scripts for that newscast, even if the story has already been covered in previous newscasts.

The texts cited by the Examiner, and indeed the entire Lebling reference, describe a system that operates on news in a single and non-selectable specific media, which is contrary to claim 1 in which relations may be defined and maintained between each PCO and at least one news media product, and in which a news media product is selected from multiple media. Thus, the relations in claim 1 are not limited to using content in a single media or a single newscast, as in the case of Lebling. On the contrary, the relations according to claim 1 may relate a PCO to a number of different media. The planning and publishing in multiple products and multiple media is further supported by the explicit media neutrality taught by claim 1, whereas the Lebling reference specifically teaches media “un-neutrality” by inserting device specific codes into content data.

1. Prima facie case of obviousness

Since the rejection fails to disclose or suggest each and every element of the rejected claims, Applicant respectfully submits that no *prima facie* case of obviousness has been established with respect to claim 1.

2. No Motivation to Combine the References

Additionally, in order to establish a *prima facie* case of obviousness, the Examiner must establish that it would have been obvious for one of ordinary skill to have combined the teachings of the cited documents.<sup>4</sup> One way to establish this would be to show “some articulated reasoning with some rationale underpinning to support the legal conclusion of obviousness” and “identify a reason that would have prompted a person of ordinary skill in the relevant field to combine the elements in the way the claimed new invention does.”<sup>5</sup> Furthermore, the Examiner must make “*explicit*” this rationale of “the apparent reason to combine the known elements in the fashion claimed,” including a detailed explanation of “the effects of demands known to the design community or present in the marketplace” and “the background knowledge possessed by a person having ordinary skill in the art.”<sup>6</sup>

It is respectfully submitted that the Examiner has not met these criteria. For example, the Examiner states that:

it would have been obvious to one of an ordinary skill in the art at the time the invention was made to combine the teachings of the cited references because teaching Lebling’s would have allowed Gill’s to provide a method to improve coordination of modification to parts of a news story, as noted by Lebling (Column 1, lines 36-39).<sup>7</sup>

It should be mentioned that the exact motivation cited by the Examiner “improving coordination of modifications to parts of a news story” is not an objective of the present

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<sup>4</sup> See *KSR Int’l Co. v. Teleflex, Inc.*, 550 U.S. at \_\_\_, 82 USPQ2d at 1396 (2007).

<sup>5</sup> *Id.*

<sup>6</sup> *Id.*

<sup>7</sup> See Office Action mailed October 17, 2007, page 6, last paragraph.



invention. How to update one or more parts of a news story in a computer system surely has been known art for many years and is not a claimed feature of the present invention. On the other hand, what is an objective of example embodiments of the present invention is coordinating and continuously updating the usage and prioritizing of news stories in one or multiple new delivery media to reflect the ongoing development of these stories - as recited in claim 1.

Applicant respectfully submits that one of ordinary skill in the art would not have combined the teachings of the Lebling reference with the teachings of the Gill reference to achieve this objective, since neither reference teaches the required features to handle multiple media nor the required planning and coordinating features taught in claim 1.

That being said, it is highly questionable whether the system of Lebling could even practically be combined with the system of Gill. The Lebling reference teaches a TV production specific computer graphical interface, while the Gill reference teaches a complete system for managing digital assets, including its own user functionality. One would have to “surgically” remove the user interface functionality from Gill and transplant the graphical interface of Lebling while still maintaining the underlying functionality of Gill.

Apart from the technical and architectural challenges of such an effort, it is highly questionable whether one skilled in the art would have any motivation to combine the Gill and Lebling references, as the result would at best be a digital asset management system with a TV production specific user interface – which would most likely obscure or “dilute” many of Gill’s other asset management features, removing it even further from the capabilities of example embodiments of the present invention. If a skilled person should be successful in combining the teachings of the Gill and Lebling references, the result would be a digital asset management

system with a user interface specifically for TV newscast. Since neither the Gill nor the Lebling reference teaches “media neutrality” nor “multiple news media products” -- both features being explicitly recited by claim 1 -- such a hypothetical combined system would not be capable of planning and publishing news stories in multiple media, but at best be limited to some basic asset management features and the narrow editing of rundowns for TV newscasts.

Therefore, because the Examiner has not provided an explicit analysis arguing the motivation to combine the references, as required by *KSR Int’l*, a *prima facie* case of obviousness has not been established.

In view of the above, Applicant respectfully submits that one of ordinary skill in the art would not have combined the teachings of the Gill and the Lebling references in the manner used to reject the claims, and that the proposed combination of the Gill and the Lebling references would fail to teach or even suggest all of the elements of previous claim 1-- and even more so the now amended claim 1. Thus, no *prima facie* case of obviousness has been established. Accordingly, claim 1 is allowable over the Gill and the Lebling references. Claims 2 and 5-62 depend on claim 1 and are thus allowable for at least the same reasons that claim 1 is allowable. Therefore, Applicant respectfully requests that the rejection of claims 1-2 and 5-62 under 35 U.S.C. § 103(a) be favorably reconsidered and withdrawn.

3. Additional Comments Regarding Information Mentioned in the Lebling and the Gill References

In the Lebling reference, there are three applications mentioned in the specification, specifically at, e.g., col. 3, lines 15-35:

- a) NEWS STORY MARKUP LANGUAGE AND SYSTEM AND PROCESS FOR EDITING AND PROCESSING DOCUMENTS, David Michael Parks, U.S. Ser. No. 08/832,866, Issued Mar 14, 2000, now U.S. Patent 6,038,573.
- b) DIGITAL MULTIMEDIA EDITING AND DATA MANAGEMENT SYSTEM, Davis S. Paigen, U.S. Ser. No. 08/832,872.
- c) MULTIMEDIA SYSTEM WITH IMPROVED DATA MANAGEMENT MECHANISMS, Jason Loveman, Mark Allen, Ron White, Charles Haynes, U.S. Ser. No. 08/852,868.

As indicated in the letter submitted to the Examiner dated April 16, 2008, Applicant has been unsuccessful in locating U.S. Ser. No. 08/832,872 and U.S. Ser. No. 08/852,868, for which reason comments relating to these applications cannot be provided.<sup>8</sup> It is noted that the U.S. Patent 6,038,573 to Parks has been submitted in an Information Disclosure Statement filed April 16, 2008.

*Review of U.S. Patent 6,038,573 to Parks*

Based on its title, the Parks reference could appear to teach a general news media story format, which led Applicant to suspect that it might provide some level of media neutrality. However, after having received and studied the reference, it is clear that it is specifically intended for TV broadcast use, and was not intended as a general news format. Certainly it does not teach media neutrality or even hint at any use in applications outside broadcasting, such as newspapers, magazines, web sites, mobile devices, TV, etc which are specifically supported by the present invention. Thus Applicant believes that the disclosure in Parks 6,038,573 is not relevant after all, and that claim 1 is novel and non-obvious in view of this document either taken

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<sup>8</sup> Applicant respectfully requests the assistance of the Examiner in identifying and locating U.S. Ser. No. 08/832,872 and U.S. Ser. No. 08/852,868.

alone or in combination with other documents considered during prosecution of the instant application.

*Review of U.S. Patent 6,005,560 to Gill*

In the Gill reference US 6,947,959 mentioned above, a continuation-in-part application is mentioned:

- a) MULTI-MEDIA PROJECT MANAGEMENT AND CONTROL SYSTEM, Tim Gill et al., U.S. Ser No 08/891,612, issued Dec 21, 1999, now U.S. Patent 6,005,560.

Applicant submits that U.S. Patent 6,005,560 to Gill ("Gill '560") has been submitted in an Information Disclosure Statement filed April 16, 2008.

Based on its title the Gill '560 reference could give the impression of teaching some form of multiple media publishing. However, after having received and studied the reference, it is clear that the teaching of "multi-media" in the Gill '560 reference is identical to the one taught in the Gill reference US 6,947,959 analysed above, and does not provide any of the multiple media publishing features of claim 1.

The Gill '560 reference relates to a multi-media presentation system for coordinating access to multi-media presentation data and related information (*see e.g. Abstract*).

Similar to Gill reference US 6,947,959, the Gill '560 reference does indeed mention "multi-media," which is, however, different from "multiple media" as defined by example embodiments the present invention. For example, as described above in the analysis of the Gill '959 reference, "multiple media" as recited by claim 1 is defined as more than one digital or printed delivery medium, such as e.g. newspapers, magazines, web sites, mobile devices, TV, etc.

Contrary to this, the Gill '560 reference uses the term "multi-media" defined as "a presentation comprising multiple object data types (e.g. text, graphics and images)" presented, however, as a single printed "document" in the form of a magazine or a newspaper (*see column 1, lines 18- 21 and column 1, lines 29-31*). The disclosure according to the Gill reference does not teach a solution where publication takes place for instance both in an electronic media, such as the internet, and in a printed media such as a newspaper.

Thus Applicant believes that the disclosure in Gill '560 is not relevant after all, and that claim 1 is novel and non-obvious in view of this document, either taken alone or in combination with other documents considered during prosecution of the instant application.

### **CONCLUSION**

In view of the above remarks and amendments, Applicant respectfully submits that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. Further, the above remarks demonstrate the failings of the outstanding rejections, and are sufficient to overcome the rejections. However, these remarks are not intended to, nor need they, comprehensively address each and every reason for the patentability of the claimed subject matter over the applied prior art. Accordingly, Applicant does not contend that the claims are patentable solely on the basis of the particular claim elements discussed above.

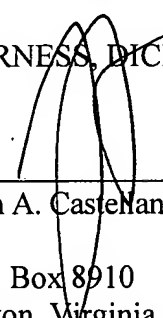
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact John A. Castellano at the telephone number indicated below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

HARNES, DICKEY, & PIERCE, P.L.C.

By

  
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